

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.: 18-cr-028-jdp-01

JORGE CONSUEGRA-ROJAS

Defendant.

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PRELIMINARY ORDER OF FORFEITURE

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Based upon the motion of the United States, the entire file in this case, and good cause appearing, the Court finds that:

1. On February 15, 2018, a federal grand jury sitting in Madison, Wisconsin returned an indictment against defendant Jorge Consuegra-Rojas. Count One charged that beginning on or about August 7, 2016, and continuing to September 12, 2016, the defendant along with two other individuals knowingly and with intent to defraud, conspired with each other and with others, known and unknown to the grand jury, to commit the following offenses: (a) using one or more counterfeit access devices in and affecting interstate commerce, in violation of Title 18, United States Code, Section 1029(a)(1), and (b) possessing fifteen or more unauthorized access devices and affecting interstate commerce, in violation of Title 18, United States Code, Section 1029(a)(3). Counts Two and Three are against a separate defendant. Count Four charged that on or about September 12, 2016, the defendant and two other individuals, knowingly and

with intent to defraud, possessed fifteen or more counterfeit and unauthorized access devices, specifically, debit and credit cards numbers, in a manner affecting interstate commerce, in violation of Title 18, United States Code, Sections 1029(a)(3) and 2. Count Five charged that on or about September 12, 2016, the defendant and two other individuals knowingly and with intent to defraud, possessed and had control and custody of, device-making equipment, specifically, six credit card skimming devices, with the offense affecting interstate commerce, in violation of Title 18, United States Code, Section 1029(a)(4). The indictment also contained a forfeiture allegation for the forfeiture of:

- a. any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violations;
- b. any personal property used or intended to be used to commit the offenses.
- c. 66 Home Depot gift cards recovered in Mauston, Wisconsin, on September 12, 2016, and the \$5,655.80 collected from the value of those cards;
- d. 23 Walmart gift cards recovered in Mauston, Wisconsin, on September 12, 2016, and the \$3,450.09 collected from the value of those cards;
- e. 15 Hooters gift cards recovered in Mauston, Wisconsin, on September 12, 2016, and the \$205 collected from the value of those cards;
- f. 10 Vanilla brand Mastercard gift cards recovered in Mauston, Wisconsin on September 12, 2016, and the \$599.32 collected from the value of those cards; and

- g. \$13,000 in United States currency representing the funds paid by Incomm Financial Services to recover the value of Vanilla Mastercards gift cards recovered in Mauston, Wisconsin, on September 12, 2016.

2. On May 31, 2018, defendant Jorge Consuegra-Rojas pleaded guilty to Counts One and Four of the indictment. In the plea agreement, the defendant agreed to the forfeiture of the 66 Home Depot cards and the cash value of those cards; the 23 Walmart gift cards and the cash value of those cards; the 15 Hooters gift cards and the cash value of those cards; the 10 Vanilla brand Mastercard gift cards and the cash value of those cards; and the \$13,000 in United States currency representing funds paid by Incomm Financial Services to recover the value of the Vanilla Mastercard gift cards.

IT IS THEREFORE ORDERED:

That based upon Jorge Consuegra-Rojas' plea, and pursuant to Title 18, United States Code, Section 982(a)(2)(B), Title 18, United States Code, Section 1029(c)(1)(C), Title 21, United States Code, Section 853, and Rule 32.2 of the Federal Rules of Criminal Procedure, the defendant Jorge Consuegra-Rojas forfeits to the United States his right, title, and interest in the following:

1. 66 Home Depot gift cards recovered in Mauston, Wisconsin, on September 12, 2016, and the \$5,655.80 collected from the value of those cards;
2. 23 Walmart gift cards recovered in Mauston, Wisconsin, on September 12, 2016, and the \$3,450.09 collected from the value of those cards;

3. 15 Hooters gift cards recovered in Mauston, Wisconsin, on September 12, 2016, and the \$205 collected from the value of those cards;
4. 10 Vanilla brand Mastercard gift cards recovered in Mauston, Wisconsin on September 12, 2016, and the \$599.32 collected from the value of those cards; and
5. \$13,000 in United States currency representing the funds paid by Incomm Financial Services to recover the value of Vanilla Mastercards gift cards recovered in Mauston, Wisconsin, on September 12, 2016.

1. The government is directed to seize and take custody of the above-referenced property.

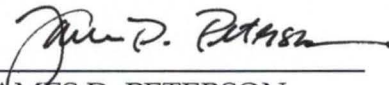
2. Pursuant to 21 U.S.C. § 853(n), as incorporated by 18 U.S.C. § 1029(c)(2), the United States shall publish notice of the order and of its intent to dispose of property in such a manner as the Attorney General may direct. Any other person, other than the defendant, having or claiming a legal interest in any of the forfeited property must file a petition with the Court within thirty days of final publication notice or receipt of actual notice, whichever is earlier.

a. The petition shall be for a hearing to adjudicate the validity of a petitioner's alleged interest in the forfeited asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited asset and any additional facts supporting the petitioner's claim and the relief sought.

b. The United States may also, to the extent practicable, provide direct written notice to any person who has an alleged interest in the forfeited asset, as a substitute for published notice.

3. Upon adjudication of any and all third party interests, this Court will enter a Final Order of Forfeiture, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

ORDERED this 6<sup>TH</sup> day of August 2018.

  
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JAMES D. PETERSON  
United States District Judge